



Today
State of Wisconsin
1999 - 2000 LEGISLATURE

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SENATE SUBSTITUTE AMENDMENT ,
TO 1999 SENATE BILL 106

Sen. Cat

1 **AN ACT to amend** 46.481 (4), 48.23 (3m), 48.23 (6), 48.235 (2), 48.27 (3) (a) 1.,
2 48.293 (1), 48.293 (2), 48.295 (2), 48.299 (1) (ag), 48.32 (1), 48.32 (2) (c), 48.355
3 (2) (d), 48.355 (2e) (c), 48.357 (1), 48.357 (2m), 48.363 (1), 48.365 (2), 48.38 (5)
4 (b), 48.38 (5) (d), 48.38 (5) (e), 48.981 (2), 48.981 (7) (a) 11r. and 118.125 (2) (L);
5 and **to create** 48.07 (5), 48.236, 48.27 (3) (e), 48.32 (1b) and 48.345 (2r) of the
6 statutes; **relating to:** court-appointed special advocates for children in need
7 of protection or services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1.** 46.481 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is
9 amended to read:
10 46.481 (4) GRANTS FOR COURT-APPOINTED SPECIAL ADVOCATES. The department
11 shall distribute \$50,000 in each fiscal year as grants to court-appointed special
12 advocate programs that are recognized by a county board, ~~by a county department~~

1 ~~under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, by the~~
2 ~~department or a licensed child welfare agency under contract with the department~~
3 ~~chief judge of a judicial administrative district under s. 48.07 (5) to perform advocacy~~
4 services in proceedings under s. 48.13.

5 **SECTION 2.** 48.07 (5) of the statutes is created to read:

6 48.07 (5) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM. (a) *Memorandum of*
7 *understanding.* The court may obtain the services of a court-appointed special
8 advocate program that has been recognized by the chief judge of the judicial
9 administrative district. A chief judge of a judicial administrative district may
10 recognize a court-appointed special advocate program by entering into a
11 memorandum of understanding with the court-appointed special advocate program
12 that specifies the responsibilities of the court-appointed special advocate program
13 and of a court-appointed special advocate designated under s. 48.236 (1). The
14 memorandum of understanding shall specify that the court-appointed special
15 advocate program is responsible for selecting, training, supervising and evaluating
16 the volunteers participating in the program as provided in pars. (b) to (d), that, in
17 addition to any other activities specified in the memorandum of understanding, a
18 volunteer participating in the program may be designated to perform any of the
19 activities specified in s. 48.236 (3) (a) to (c) and that, in addition to any other
20 authority specified in the memorandum of understanding, a volunteer participating
21 in the program may be authorized to exercise any of the authority specified in s.
22 48.236 (4) (a) and (b), unless the parties to the memorandum of understanding
23 determine that a variance from the requirements of pars. (b) to (d), the activities
24 specified in s. 48.236 (3) (a) to (c) or the authority specified in s. 48.236 (4) (a) and (b)
25 is necessary for the efficient administration of the program.

1 (b) *Selection.* 1. A court-appointed special advocate program may select a
2 person to participate in the program if the person is 21 years of age or older,
3 demonstrates an interest in the welfare of children, undergoes a satisfactory
4 background investigation as provided under subd. 2., completes the training
5 required under par. (c) and meets any other qualifications required by the
6 court-appointed special advocate program. A court-appointed special advocate
7 program may refuse to permit to participate in the program any person whose
8 participation in the program might pose a risk, as determined by the
9 court-appointed special advocate program, to the safety of any child.

10 2. On receipt of an application from a prospective court-appointed special
11 advocate, the court-appointed special advocate program, with the assistance of the
12 department of justice, shall conduct a background investigation of the applicant. If
13 the court-appointed special advocate program determines that any information
14 obtained as a result of the background investigation provides a reasonable basis for
15 further investigation, the court-appointed special advocate program may require
16 the applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set
17 of the applicant's fingerprints. The department of justice may provide for the
18 submission of the fingerprint cards to the federal bureau of investigation for the
19 purposes of verifying the identification of the applicant and obtaining the applicant's
20 criminal arrest and conviction record. The court-appointed special advocate
21 program shall keep confidential all information received from the department of
22 justice and the federal bureau of investigation under this subdivision.

23 (c) *Training.* A court-appointed special advocate program shall require a
24 volunteer selected under par. (b) to complete a training program before the volunteer
25 may be designated as a court-appointed special advocate under s. 48.236 (1). The

1 training program shall include instruction on recognizing child abuse and neglect,
2 cultural competency, as defined in s. 48.982 (1) (bm), child development, the
3 procedures of the court, permanency planning, the activities of a court-appointed
4 special advocate under s. 48.236 (3) and information gathering and documentation,
5 and shall include observation of a proceeding under s. 48.13. A court-appointed
6 special advocate program shall also require each volunteer to complete continuing
7 training annually.

8 (d) *Supervision and evaluation.* The supervisory support staff of a
9 court-appointed special advocate program shall be easily accessible to the
10 volunteers of the program, shall hold regular case conferences with those volunteers
11 to review case progress and shall conduct annual performance evaluations of those
12 volunteers. A court-appointed special advocate program shall provide its staff and
13 volunteers with written guidelines describing the policies, practices and procedures
14 of the program and the responsibilities of a volunteer with the program.

15 **SECTION 3.** 48.23 (3m) of the statutes is amended to read:

16 **48.23 (3m) GUARDIANS AD LITEM OR COUNSEL FOR ABUSED OR NEGLECTED CHILDREN.**
17 The court shall appoint counsel for any child alleged to be in need of protection or
18 services under s. 48.13 (3), (3m), (10), (10m) and (11), except that if the child is less
19 than 12 years of age the court may appoint a guardian ad litem instead of counsel.
20 The guardian ad litem or counsel for the child shall may not be the same act as
21 counsel for any other party or any governmental or social agency involved in the
22 proceeding and may not act as court-appointed special advocate for the child in the
23 proceeding.

24 **SECTION 4.** 48.23 (6) of the statutes is amended to read:

1 48.23 (6) DEFINITION. For the purposes of this section, “counsel” means an
2 attorney acting as adversary counsel who shall advance and protect the legal rights
3 of the party represented, and who may not act as guardian ad litem or
4 court-appointed special advocate for any party in the same proceeding.

5 **SECTION 5.** 48.235 (2) of the statutes is amended to read:

6 48.235 (2) QUALIFICATIONS. The guardian ad litem shall be an attorney
7 admitted to practice in this state. No person who is an interested party in a
8 proceeding, who appears as counsel or court-appointed special advocate in a
9 proceeding on behalf of any party or who is a relative or representative of an
10 interested party in a proceeding may be appointed guardian ad litem in that
11 proceeding.

12 **SECTION 6.** 48.236 of the statutes is created to read:

13 **48.236 Court-appointed special advocate. (1) DESIGNATION.** In any
14 proceeding under s. 48.13 in which the court finds that providing the services of a
15 court-appointed special advocate would be in the best interests of the child, the court
16 may request a court-appointed special advocate program to designate a person who
17 meets the qualifications specified in sub. (2) as a court-appointed special advocate
18 to undertake the activities specified in sub. (3). A court-appointed special advocate
19 does not become a party to the proceeding and, as a nonparty, may not make motions
20 or call or cross-examine witnesses. A designation under this subsection terminates
21 when the jurisdiction of the court over the child under s. 48.13 terminates, unless the
22 court discharges the court-appointed special advocate sooner.

23 **(2) QUALIFICATIONS.** A court-appointed special advocate shall be a volunteer
24 who has been selected and trained as provided in the memorandum of understanding
25 entered into under s. 48.07 (5) (a). No person who is a party in a proceeding, who

1 appears as counsel or guardian ad litem in a proceeding on behalf of any party or who
2 is a relative or representative of a party in a proceeding may be designated as a
3 court-appointed special advocate in that proceeding.

4 (3) ACTIVITIES. A court-appointed special advocate may be designated under
5 sub. (1) to perform any of the following activities:

6 (a) Gather information and make observations about the child for whom the
7 designation is made, the child's family and any other person residing in the same
8 home as the child and provide that information and those observations to the court
9 in the form of written reports or, if requested by the court, oral testimony.

10 (b) Maintain regular contact with the child for whom the designation is made;
11 monitor the appropriateness and safety of the environment of the child, the extent
12 to which the child and the child's family are complying with any consent decree or
13 dispositional order of the court and with any permanency plan under s. 48.38, and
14 the extent to which any agency that is required to provide services for the child and
15 the child's family under a consent decree, dispositional order or permanency plan is
16 providing those services; and, based on that regular contact and monitoring, provide
17 information to the court in the form of written reports or, if requested by the court,
18 oral testimony.

19 (c) ~~Advocate for~~ ^{Promote} the best interests of the child.

20 (d) Undertake any other activities that are consistent with the memorandum
21 of understanding entered into under s. 48.07 (5) (a).

22 (4) AUTHORITY. A court that requests a court-appointed special advocate
23 program to designate a court-appointed special advocate to undertake the activities
24 specified in sub. (3) may include in the order requesting that designation an order
25 authorizing the court-appointed special advocate to do any of the following:

1 (a) Inspect any reports and records relating to the child who is the subject of
2 the proceeding, the child's family and any other person residing in the same home
3 as the child that are relevant to the subject matter of the proceeding, including
4 records discoverable under s. 48.293, examination reports under s. 48.295 (2), law
5 enforcement reports and records under ss. 48.396 (1) and 938.396 (1), court records
6 under ss. 48.396 (2) (a) and 938.396 (2) (a), social welfare agency records under ss.
7 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records under s. 48.981
8 (7) (a) 11r. and pupil records under s. 118.125 (2) (L). The order shall also require the
9 custodian of any report or record specified in this paragraph to permit the
10 court-appointed special advocate to inspect the report or record on presentation by
11 the court-appointed special advocate of a copy of the order. A court-appointed
12 special advocate that obtains access to a report or record described in this paragraph
13 shall keep the information contained in the report or record confidential and may
14 disclose that information only to the court. If a court-appointed special advocate
15 discloses any information to the court under this paragraph, the court-appointed
16 special advocate shall also disclose that information to all parties to the proceeding.

17 (b) Observe the child who is the subject of the proceeding and the child's living
18 environment and, if the child is old enough to communicate, interview the child;
19 interview the parent, guardian, legal custodian or other caregiver of the child who
20 is the subject of the proceeding and observe that person's living environment; and
21 interview any other person who might possess any information relating to the child
22 and the child's family that is relevant to the subject of the proceeding. A
23 court-appointed special advocate may observe or interview the child at any location
24 without the permission of the child's parent, guardian, legal custodian or other
25 caregiver if necessary to obtain any information that is relevant to the subject of the

1 proceeding, except that a court-appointed special advocate may enter a child's home
2 only with the permission of the child's parent, guardian, legal custodian or other
3 caregiver or after obtaining a court order permitting the court-appointed special
4 advocate to do so. A court-appointed special advocate who obtains any information
5 under this paragraph shall keep the information confidential and may disclose that
6 information only to the court. If a court-appointed special advocate discloses any
7 information to the court under this paragraph, the court-appointed special advocate
8 shall also disclose that information to all parties to the proceeding.

9 (c) Exercise any other authority that is consistent with the memorandum of
10 understanding entered into under s. 48.07 (5) (a).

11 (5) IMMUNITY FROM LIABILITY. A volunteer court-appointed special advocate
12 designated under sub. (1) or an employe of a court-appointed special advocate
13 program recognized under s. 48.07 (5) is immune from civil liability for any act or
14 omission of the volunteer or employe occurring while acting within the scope of his
15 or her activities and authority as a volunteer court-appointed special advocate or
16 employe of a court-appointed special advocate program.

17 **SECTION 7.** 48.27 (3) (a) 1. of the statutes is amended to read:

18 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a
19 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
20 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
21 guardian and legal custodian of the child, any foster parent, treatment foster parent
22 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
23 the unborn child's guardian ad litem, if applicable, and any person specified in par.
24 (b) ~~or~~, (d) or (e), if applicable, of all hearings involving the child except hearings on
25 motions for which notice need only be provided to the child and his or her counsel.

1 When parents who are entitled to notice have the same place of residence, notice to
2 one shall constitute notice to the other. The first notice to any interested party, foster
3 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
4 shall be written and may have a copy of the petition attached to it. Thereafter, notice
5 of hearings may be given by telephone at least 72 hours before the time of the
6 hearing. The person giving telephone notice shall place in the case file a signed
7 statement of the time notice was given and the person to whom he or she spoke.

8 **SECTION 8.** 48.27 (3) (e) of the statutes is created to read:

9 **48.27 (3) (e)** If the petition that was filed relates to facts concerning a situation
10 under s. 48.13, the court shall also notify, under s. 48.273, the court-appointed
11 special advocate for the child of all hearings involving the child. The first notice to
12 a court-appointed special advocate shall be written and shall have a copy of the
13 petition attached to it. Thereafter, notice of hearings may be given by telephone at
14 least 72 hours before the time of the hearing. The person giving telephone notice
15 shall place in the case file a signed statement of the time that notice was given and
16 the person to whom he or she spoke.

17 **SECTION 9.** 48.293 (1) of the statutes is amended to read:

18 48.293 (1) Copies of all law enforcement officer reports, including ~~but not~~
19 ~~limited to~~ the officer's memorandum and witnesses' statements, shall be made
20 available upon request to counsel or guardian ad litem for any party and to the
21 court-appointed special advocate for the child prior to a plea hearing. The reports
22 shall be available through the representative of the public designated under s. 48.09.
23 The identity of a confidential informant may be withheld pursuant to s. 905.10.

24 **SECTION 10.** 48.293 (2) of the statutes is amended to read:

1 48.293 (2) All records relating to a child, or to an unborn child and the unborn
2 child's expectant mother, which are relevant to the subject matter of a proceeding
3 under this chapter shall be open to inspection by a guardian ad litem or counsel for
4 any party and to inspection by the court-appointed special advocate for the child,
5 upon demand and upon presentation of releases when necessary, at least 48 hours
6 before the proceeding. Persons and unborn children, by their guardians ad litem,
7 entitled to inspect the records may obtain copies of the records with the permission
8 of the custodian of the records or with permission of the court. The court may instruct
9 counsel, a guardian ad litem or a court-appointed special advocate not to disclose
10 specified items in the materials to the child or the parent, or to the expectant mother,
11 if the court reasonably believes that the disclosure would be harmful to the interests
12 of the child or the unborn child.

13 **SECTION 11.** 48.295 (2) of the statutes is amended to read:

14 48.295 (2) The examiner shall file a report of the examination with the court
15 by the date specified in the order. The court shall cause copies to be transmitted to
16 the district attorney or corporation counsel, to counsel or guardian ad litem for the
17 child and, if to the court-appointed special advocate for the child. If applicable, the
18 court shall also cause copies to be transmitted to counsel or guardian ad litem for the
19 unborn child and the unborn child's expectant mother. The report shall describe the
20 nature of the examination and identify the persons interviewed, the particular
21 records reviewed and any tests administered to the child or expectant mother. The
22 report shall also state in reasonable detail the facts and reasoning upon which the
23 examiner's opinions are based.

24 **SECTION 12.** 48.299 (1) (ag) of the statutes is amended to read:

1 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
2 a public hearing is not held, only the parties and their counsel or guardian ad litem,
3 ~~if any~~ the court-appointed special advocate for the child, the child's foster parent,
4 treatment foster parent or other physical custodian described in s. 48.62 (2),
5 witnesses and other persons requested by a party and approved by the court may be
6 present, except that the court may exclude a foster parent, treatment foster parent
7 or other physical custodian described in s. 48.62 (2) from any portion of the hearing
8 if that portion of the hearing deals with sensitive personal information of the child
9 or the child's family or if the court determines that excluding the foster parent,
10 treatment foster parent or other physical custodian would be in the best interests of
11 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds
12 to have a proper interest in the case or in the work of the court, including a member
13 of the bar, may be admitted by the court.

14 **SECTION 13.** 48.32 (1) of the statutes is amended to read:

15 48.32 (1) At any time after the filing of a petition for a proceeding relating to
16 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court
17 commissioner may suspend the proceedings and place the child or expectant mother
18 under supervision in the home or present placement of the child or expectant mother.
19 The court may establish terms and conditions applicable to the child and the child's
20 parent, guardian or legal custodian, to the child expectant mother and her parent,
21 guardian or legal custodian or to the adult expectant mother, including the condition
22 specified in sub. (1b). The order under this section shall be known as a consent decree
23 and must be agreed to by the child if 12 years of age or older, the parent, guardian
24 or legal custodian, and the person filing the petition under s. 48.25; by the child
25 expectant mother, her parent, guardian or legal custodian, the unborn child by the

1 unborn child's guardian ad litem and the person filing the petition under s. 48.25; or
2 by the adult expectant mother, the unborn child by the unborn child's guardian ad
3 litem and the person filing the petition under s. 48.25. The consent decree shall be
4 reduced to writing and given to the parties.

5 **SECTION 14.** 48.32 (1b) of the statutes is created to read:

6 **48.32 (1b)** The judge or juvenile court commissioner may, as a condition under
7 sub. (1), request a court-appointed special advocate program to designate a
8 court-appointed special advocate for the child to perform the activities specified in
9 s. 48.236 (3) that are authorized in the memorandum of understanding under s. 48.07
10 (5) (a). A court-appointed special advocate designated under this subsection shall
11 have the authority specified in s. 48.236 (4) that is authorized in the memorandum
12 of understanding under s. 48.07 (5) (a).

13 **SECTION 15.** 48.32 (2) (c) of the statutes is amended to read:

14 **48.32 (2) (c)** Upon the motion of the court or the application of the child, parent,
15 guardian, legal custodian, expectant mother, unborn child by the unborn child's
16 guardian ad litem, intake worker or any agency supervising the child or expectant
17 mother under the consent decree, the court may, after giving notice to the parties to
18 the consent decree ~~and, their counsel or guardian ad litem~~ and the court-appointed
19 special advocate for the child, if any, extend the decree for up to an additional 6
20 months in the absence of objection to extension by the parties to the initial consent
21 decree. If the child, parent, guardian, legal custodian, expectant mother or unborn
22 child by the unborn child's guardian ad litem objects to the extension, the judge shall
23 schedule a hearing and make a determination on the issue of extension. An
24 extension under this paragraph of a consent decree relating to an unborn child who
25 is alleged to be in need of protection or services may be granted after the child is born.

1 **SECTION 16.** 48.345 (2r) of the statutes is created to read:

2 48.345 (2r) Place the child as provided in sub. (2) or (2m) and, in addition,
3 request a court-appointed special advocate program to designate a court-appointed
4 special advocate for the child to perform the activities specified in s. 48.236 (3) that
5 are authorized in the memorandum of understanding under s. 48.07 (5) (a). A
6 court-appointed special advocate designated under this subsection shall have the
7 authority specified in s. 48.236 (4) that is authorized in the memorandum of
8 understanding under s. 48.07 (5) (a).

9 **SECTION 17.** 48.355 (2) (d) of the statutes is amended to read:

10 48.355 (2) (d) The court shall provide a copy of a dispositional order relating
11 to a child in need of protection or services to the child's parent, guardian or trustee,
12 to the child through the child's counsel or guardian ad litem and to the child's
13 court-appointed special advocate. The court shall provide a copy of a dispositional
14 order relating to an unborn child in need of protection or services to the expectant
15 mother, to the unborn child through the unborn child's guardian ad litem and, if the
16 expectant mother is a child, to her parent, guardian or trustee.

17 **SECTION 18.** 48.355 (2e) (c) of the statutes is amended to read:

18 48.355 (2e) (c) Either the court or the agency that prepared the permanency
19 plan shall furnish a copy of the original plan and each revised plan to the child's
20 parent or guardian, to the child or the child's counsel or guardian ad litem, to the
21 child's court-appointed special advocate and to the person representing the interests
22 of the public.

23 **SECTION 19.** 48.357 (1) of the statutes is amended to read:

24 48.357 (1) The person or agency primarily responsible for implementing the
25 dispositional order, the district attorney or the corporation counsel may request a

1 change in the placement of the child or expectant mother, whether or not the change
2 requested is authorized in the dispositional order and shall cause written notice to
3 be sent to the child, the parent, guardian and legal custodian of the child, any foster
4 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
5 of the child, the child's court-appointed special advocate and, if the child is the
6 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn
7 child's guardian ad litem. If the expectant mother is an adult, written notice shall
8 be sent to the adult expectant mother and the unborn child by the unborn child's
9 guardian ad litem. The notice shall contain the name and address of the new
10 placement, the reasons for the change in placement, a statement describing why the
11 new placement is preferable to the present placement and a statement of how the
12 new placement satisfies objectives of the treatment plan ordered by the court. Any
13 person receiving the notice under this subsection or notice of a specific placement
14 under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain
15 a hearing on the matter by filing an objection with the court within 10 days after
16 receipt of the notice. Placements may not be changed until 10 days after that notice
17 is sent to the court unless the parent, guardian or legal custodian and the child, if
18 12 years of age or over, or the child expectant mother, if 12 years of age or over, her
19 parent, guardian or legal custodian and the unborn child by the unborn child's
20 guardian ad litem, or the adult expectant mother and the unborn child by the unborn
21 child's guardian ad litem, sign written waivers of objection, except that placement
22 changes which were authorized in the dispositional order may be made immediately
23 if notice is given as required in this subsection. In addition, a hearing is not required
24 for placement changes authorized in the dispositional order except when an objection

1 filed by a person who received notice alleges that new information is available which
2 affects the advisability of the court's dispositional order.

3 **SECTION 20.** 48.357 (2m) of the statutes is amended to read:

4 48.357 (2m) The child, the parent, guardian or legal custodian of the child, the
5 expectant mother, the unborn child by the unborn child's guardian ad litem or any
6 person or agency primarily bound by the dispositional order, other than the person
7 or agency responsible for implementing the order, may request a change in
8 placement under this subsection. The request shall contain the name and address
9 of the place of the new placement requested and shall state what new information
10 is available which affects the advisability of the current placement. This request
11 shall be submitted to the court. In addition, the court may propose a change in
12 placement on its own motion. The court shall hold a hearing on the matter prior to
13 ordering any change in placement under this subsection if the request states that
14 new information is available which affects the advisability of the current placement,
15 unless written waivers of objection to the proposed change in placement are signed
16 by all ~~parties~~ persons entitled to receive notice under sub. (1), other than a
17 court-appointed special advocate, and the court approves. If a hearing is scheduled,
18 the court shall notify the child, the parent, guardian and legal custodian of the child,
19 any foster parent, treatment foster parent or other physical custodian described in
20 s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who
21 are bound by the dispositional order and, if the child is the expectant mother of an
22 unborn child under s. 48.133, the unborn child by the unborn child's guardian ad
23 litem, or shall notify the adult expectant mother, the unborn child by the unborn
24 child's guardian ad litem and all parties who are bound by the dispositional order,
25 at least 3 days prior to the hearing. A copy of the request or proposal for the change

1 in placement shall be attached to the notice. If all the parties consent, the court may
2 proceed immediately with the hearing.

3 **SECTION 21.** 48.363 (1) of the statutes is amended to read:

4 48.363 (1) A child, the child's parent, guardian or legal custodian, an expectant
5 mother, an unborn child by the unborn child's guardian ad litem, any person or
6 agency bound by a dispositional order or the district attorney or corporation counsel
7 in the county in which the dispositional order was entered may request a revision in
8 the order that does not involve a change in placement, including a revision with
9 respect to the amount of child support to be paid by a parent, or the court may on its
10 own motion propose such a revision. The request or court proposal shall set forth in
11 detail the nature of the proposed revision and what new information is available that
12 affects the advisability of the court's disposition. The request or court proposal shall
13 be submitted to the court. The court shall hold a hearing on the matter if the request
14 or court proposal indicates that new information is available which affects the
15 advisability of the court's dispositional order and prior to any revision of the
16 dispositional order, unless written waivers of objections to the revision are signed by
17 all parties entitled to receive notice and the court approves. If a hearing is held, the
18 court shall notify the child, the child's parent, guardian and legal custodian, all
19 parties bound by the dispositional order, the child's foster parent, treatment foster
20 parent or other physical custodian described in s. 48.62 (2), the child's
21 court-appointed special advocate, the district attorney or corporation counsel in the
22 county in which the dispositional order was entered, and, if the child is the expectant
23 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
24 guardian ad litem or shall notify the adult expectant mother, the unborn child
25 through the unborn child's guardian ad litem, all parties bound by the dispositional

1 order and the district attorney or corporation counsel in the county in which the
2 dispositional order was entered, at least 3 days prior to the hearing. A copy of the
3 request or proposal shall be attached to the notice. If the proposed revision is for a
4 change in the amount of child support to be paid by a parent, the court shall order
5 the child's parent to provide a statement of income, assets, debts and living expenses
6 to the court and the person or agency primarily responsible for implementing the
7 dispositional order by a date specified by the court. The clerk of court shall provide,
8 without charge, to any parent ordered to provide a statement of income, assets, debts
9 and living expenses a document setting forth the percentage standard established
10 by the department of workforce development under s. 49.22 (9) and the manner of
11 its application established by the department of health and family services under s.
12 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all
13 parties consent, the court may proceed immediately with the hearing. No revision
14 may extend the effective period of the original order.

15 **SECTION 22.** 48.365 (2) of the statutes is amended to read:

16 48.365 (2) No order may be extended without a hearing. The court shall notify
17 the child, the child's parent, guardian and legal custodian, all the parties present at
18 the original hearing, the child's foster parent, treatment foster parent or other
19 physical custodian described in s. 48.62 (2), the child's court-appointed special
20 advocate, the district attorney or corporation counsel in the county in which the
21 dispositional order was entered and, if the child is an expectant mother of an unborn
22 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
23 shall notify the adult expectant mother, the unborn child through the unborn child's
24 guardian ad litem, all the parties present at the original hearing and the district

1 attorney or corporation counsel in the county in which the dispositional order was
2 entered, of the time and place of the hearing.

3 **SECTION 23.** 48.38 (5) (b) of the statutes is amended to read:

4 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
5 child if he or she is 12 years of age or older and the child's foster parent, the child's
6 treatment foster parent or the operator of the facility in which the child is living of
7 the date, time and place of the review, of the issues to be determined as part of the
8 review, of the fact that they may have an opportunity to be heard at the review by
9 submitting written comments not less than 10 working days before the review or by
10 participating at the review. The court or agency shall notify the person representing
11 the interests of the public, the child's counsel ~~and~~, the child's guardian ad litem and
12 the child's court-appointed special advocate of the date of the review, of the issues
13 to be determined as part of the review and of the fact that they may submit written
14 comments not less than 10 working days before the review. The notices under this
15 paragraph shall be provided in writing not less than 30 days before the review and
16 copies of the notices shall be filed in the child's case record.

17 **SECTION 24.** 48.38 (5) (d) of the statutes is amended to read:

18 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
19 permanency plan shall, at least 5 days before a review by a review panel, provide to
20 each person appointed to the review panel, the person representing the interests of
21 the public, the child's counsel ~~and~~, the child's guardian ad litem and the child's
22 court-appointed special advocate a copy of the permanency plan and any written
23 comments submitted under par. (b). Notwithstanding s. 48.78 (2) (a), a person
24 appointed to a review panel, the person representing the interests of the public, the
25 child's counsel ~~and~~, the child's guardian ad litem and the child's court-appointed

1 special advocate may have access to any other records concerning the child for the
2 purpose of participating in the review. A person permitted access to a child's records
3 under this paragraph may not disclose any information from the records to any other
4 person.

5 **SECTION 25.** 48.38 (5) (e) of the statutes is amended to read:

6 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
7 the determinations under par. (c) and shall provide a copy to the court that entered
8 the order, the child or the child's counsel or guardian ad litem, the person
9 representing the interests of the public, the child's parent or guardian, the child's
10 court-appointed special advocate and the child's foster parent, the child's treatment
11 foster parent or the operator of the facility where the child is living.

12 **SECTION 26.** 48.981 (2) of the statutes is amended to read:

13 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
14 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
15 mental health professional, social worker, marriage and family therapist,
16 professional counselor, public assistance worker, including a financial and
17 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
18 counselor, mediator under s. 767.11, child care worker in a day care center or child
19 caring institution, day care provider, alcohol or other drug abuse counselor, member
20 of the treatment staff employed by or working under contract with a county
21 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
22 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
23 technician or police or law enforcement officer having reasonable cause to suspect
24 that a child seen in the course of professional duties has been abused or neglected
25 or having reason to believe that a child seen in the course of professional duties has

1 been threatened with abuse or neglect and that abuse or neglect of the child will occur
2 shall, except as provided under sub. (2m), report as provided in sub. (3). A
3 court-appointed special advocate having reasonable cause to suspect that a child
4 seen in the course of the court-appointed special advocate's volunteer activities
5 under s. 48.236 (3) has been abused or neglected or having reason to believe that a
6 child seen in the course of those activities has been threatened with abuse and
7 neglect and that abuse or neglect of the child will occur shall, except as provided in
8 sub. (2m), report as provided in sub. (3). Any other person, including an attorney,
9 having reason to suspect that a child has been abused or neglected or reason to
10 believe that a child has been threatened with abuse or neglect and that abuse or
11 neglect of the child will occur may make such a report. Any person, including an
12 attorney having reason to suspect that an unborn child has been abused or reason
13 to believe that an unborn child is at substantial risk of abuse may report as provided
14 in sub. (3). No person making a report under this subsection may be discharged from
15 employment for so doing.

16 **SECTION 27.** 48.981 (7) (a) 11r. of the statutes is amended to read:

17 48.981 (7) (a) 11r. A volunteer ~~appointed~~ court-appointed special advocate
18 designated under s. 48.236 (1) or person employed by a court-appointed special
19 advocate program recognized by the ~~county board or the county department or, in a~~
20 ~~county having a population of 500,000 or more, the department or a licensed child~~
21 ~~welfare agency under contract with the department~~ chief judge of a judicial
22 administrative district under s. 48.07 (5), to the extent necessary for the
23 court-appointed special advocate to perform the advocacy services specified in s.
24 48.236 (3) or 938.236 (3) that the court-appointed special advocate was designated
25 to perform in proceedings related to a petition under s. 48.13 ~~or 48.133~~ ~~for which the~~

1 ~~court-appointed special advocate program is recognized by the county board, county~~
2 ~~department or department.~~

3 **SECTION 28.** 118.125 (2) (L) of the statutes is amended to read:

118.125 (2) (L) A school board shall disclose the pupil records of a pupil in compliance with a court order under s. ~~48.236 (4) (a)~~, 48.345 (12) (b), 938.34 (7d) (b), 938.396 (1m) (c) or (d) or 938.78 (2) (b) 2. after making a reasonable effort to notify the pupil's parent or legal guardian.

8 (END)

50270/2

2/18/2000 Amber called to ask that this be
redrafted to incorporate 99-1409.

RET

Today, 2/18

rmy

**SENATE SUBSTITUTE AMENDMENT ,
TO 1999 SENATE BILL 106**

Sen. Cist

1 **AN ACT to amend** 46.481 (4), 48.23 (3m), 48.23 (6), 48.235 (2), 48.27 (3) (a) 1.,
2 48.293 (1), 48.293 (2), 48.295 (2), 48.299 (1) (ag), 48.32 (1), 48.32 (2) (c), 48.355
3 (2) (d), 48.355 (2e) (c), 48.357 (1), 48.357 (2m), 48.363 (1), 48.365 (2), 48.38 (5)
4 (b), 48.38 (5) (d), 48.38 (5) (e), 48.981 (2), 48.981 (7) (a) 11r. and 118.125 (2) (L);
5 and **to create** 48.07 (5), 48.236, 48.27 (3) (e), 48.32 (1b) and 48.345 (2r) of the
6 statutes; **relating to:** court-appointed special advocates for children in need
7 of protection or services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1.** 46.481 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is
9 amended to read:

10 46.481 (4) GRANTS FOR COURT-APPOINTED SPECIAL ADVOCATES. The department
11 shall distribute \$50,000 in each fiscal year as grants to court-appointed special
12 advocate programs that are recognized by a county board, by a county department

1 under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, by the
2 department or a licensed child welfare agency under contract with the department
3 chief judge of a judicial administrative district under s. 48.07 (5) to perform advocacy
4 services in proceedings under s. 48.13.

5 SECTION 2. 48.07 (5) of the statutes is created to read:

6 48.07 (5) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM. (a) *Memorandum of*
7 *understanding.* The court may obtain the services of a court-appointed special
8 advocate program that has been recognized by the chief judge of the judicial
9 administrative district. A chief judge of a judicial administrative district may
10 recognize a court-appointed special advocate program by entering into a
11 memorandum of understanding with the court-appointed special advocate program
12 that specifies the responsibilities of the court-appointed special advocate program
13 and of a court-appointed special advocate designated under s. 48.236 (1). The
14 memorandum of understanding shall specify that the court-appointed special
15 advocate program is responsible for selecting, training, supervising and evaluating
16 the volunteers ^{and employees of the program} participating in the program as provided in pars. (b) to (d), that, in
17 addition to any other activities specified in the memorandum of understanding, a
18 volunteer ^{or employee of the program} participating in the program may be designated to perform any of the
19 activities specified in s. 48.236 (3) (a) to (c) and that, in addition to any other
20 authority specified in the memorandum of understanding, a volunteer ^{or employee of the} participating ^{program}
21 in the program may be authorized to exercise any of the authority specified in s.
22 48.236 (4) (a) and (b), unless the parties to the memorandum of understanding
23 determine that a variance from the requirements of pars. (b) to (d), the activities
24 specified in s. 48.236 (3) (a) to (c) or the authority specified in s. 48.236 (4) (a) and (b)
25 is necessary for the efficient administration of the program.

1 (b) *Selection.* 1. A court-appointed special advocate program may select a
2 person to participate in the program if the person is 21 years of age or older,
3 demonstrates an interest in the welfare of children, undergoes a satisfactory
4 background investigation as provided under subd. 2., completes the training
5 required under par. (c) and meets any other qualifications required by the
6 court-appointed special advocate program. A court-appointed special advocate
7 program may refuse to permit to participate in the program any person whose
8 participation in the program might pose a risk, as determined by the
9 court-appointed special advocate program, to the safety of any child.

10 2. On receipt of an application from a prospective court-appointed special
11 advocate, the court-appointed special advocate program, with the assistance of the
12 department of justice, shall conduct a background investigation of the applicant. If
13 the court-appointed special advocate program determines that any information
14 obtained as a result of the background investigation provides a reasonable basis for
15 further investigation, the court-appointed special advocate program may require
16 the applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set
17 of the applicant's fingerprints. The department of justice may provide for the
18 submission of the fingerprint cards to the federal bureau of investigation for the
19 purposes of verifying the identification of the applicant and obtaining the applicant's
20 criminal arrest and conviction record. The court-appointed special advocate
21 program shall keep confidential all information received from the department of
22 justice and the federal bureau of investigation under this subdivision.

23 (c) *Training.* A court-appointed special advocate program shall require a
24 ^{or employee of the program} volunteer selected under par. (b) to complete a training program before the volunteer
25 ^{or employee} may be designated as a court-appointed special advocate under s. 48.236 (1). The

1 training program shall include instruction on recognizing child abuse and neglect,
2 cultural competency, as defined in s. 48.982 (1) (bm), child development, the
3 procedures of the court, permanency planning, the activities of a court-appointed
4 special advocate under s. 48.236 (3) and information gathering and documentation,
5 and shall include observation of a proceeding under s. 48.13. A court-appointed
6 special advocate program shall also require each volunteer ^{and employee of the program selected} to complete continuing ^{under}
7 training annually. ^{par. (6)}

8 (d) *Supervision and evaluation.* The supervisory support staff of a
9 court-appointed special advocate program shall be easily accessible to the
10 volunteers ^{Insert 4-10 ✓} of the program, shall hold regular case conferences with those volunteers
11 ^{and employees} to review case progress and shall conduct annual performance evaluations of those
12 volunteers ^{and employees}. A court-appointed special advocate program shall provide its staff and
13 volunteers with written guidelines describing the policies, practices and procedures
14 of the program and the responsibilities of a volunteer ^{Insert 4-14 ✓} with the program.

15 SECTION 3. 48.23 (3m) of the statutes is amended to read:

16 48.23 (3m) GUARDIANS AD LITEM OR COUNSEL FOR ABUSED OR NEGLECTED CHILDREN.

17 The court shall appoint counsel for any child alleged to be in need of protection or
18 services under s. 48.13 (3), (3m), (10), (10m) and (11), except that if the child is less
19 than 12 years of age the court may appoint a guardian ad litem instead of counsel.
20 The guardian ad litem or counsel for the child shall may not be the same act as
21 counsel for any other party or any governmental or social agency involved in the
22 proceeding and may not act as court-appointed special advocate for the child in the
23 proceeding.

24 SECTION 4. 48.23 (6) of the statutes is amended to read:

1 48.23 (6) DEFINITION. For the purposes of this section, "counsel" means an
2 attorney acting as adversary counsel who shall advance and protect the legal rights
3 of the party represented, and who may not act as guardian ad litem or
4 court-appointed special advocate for any party in the same proceeding.

5 **SECTION 5.** 48.235 (2) of the statutes is amended to read:

6 48.235 (2) QUALIFICATIONS. The guardian ad litem shall be an attorney
7 admitted to practice in this state. No person who is an interested party in a
8 proceeding, who appears as counsel or court-appointed special advocate in a
9 proceeding on behalf of any party or who is a relative or representative of an
10 interested party in a proceeding may be appointed guardian ad litem in that
11 proceeding.

12 **SECTION 6.** 48.236 of the statutes is created to read:

13 **48.236 Court-appointed special advocate. (1) DESIGNATION.** In any
14 proceeding under s. 48.13 in which the court finds that providing the services of a
15 court-appointed special advocate would be in the best interests of the child, the court
16 may request a court-appointed special advocate program to designate a person who
17 meets the qualifications specified in sub. (2) as a court-appointed special advocate
18 to undertake the activities specified in sub. (3). A court-appointed special advocate
19 does not become a party to the proceeding and, as a nonparty, may not make motions
20 or call or cross-examine witnesses. A designation under this subsection terminates
21 when the jurisdiction of the court over the child under s. 48.13 terminates, unless the
22 court discharges the court-appointed special advocate sooner.

✓

Insert 5-23

23 **(2) QUALIFICATIONS.** A court-appointed special advocate shall be a volunteer
24 who has been selected and trained as provided in the memorandum of understanding
25 entered into under s. 48.07 (5) (a). No person who is a party in a proceeding, who

1 appears as counsel or guardian ad litem in a proceeding on behalf of any party or who
2 is a relative or representative of a party in a proceeding may be designated as a
3 court-appointed special advocate in that proceeding.

4 (3) ACTIVITIES. A court-appointed special advocate may be designated under
5 sub. (1) to perform any of the following activities:

6 (a) Gather information and make observations about the child for whom the
7 designation is made, the child's family and any other person residing in the same
8 home as the child and provide that information and those observations to the court
9 in the form of written reports or, if requested by the court, oral testimony.

10 (b) Maintain regular contact with the child for whom the designation is made;
11 monitor the appropriateness and safety of the environment of the child, the extent
12 to which the child and the child's family are complying with any consent decree or
13 dispositional order of the court and with any permanency plan under s. 48.38, and
14 the extent to which any agency that is required to provide services for the child and
15 the child's family under a consent decree, dispositional order or permanency plan is
16 providing those services; and, based on that regular contact and monitoring, provide
17 information to the court in the form of written reports or, if requested by the court,
18 oral testimony.

19 (c) Promote the best interests of the child.

20 (d) Undertake any other activities that are consistent with the memorandum
21 of understanding entered into under s. 48.07 (5) (a).

22 (4) AUTHORITY. A court that requests a court-appointed special advocate
23 program to designate a court-appointed special advocate to undertake the activities
24 specified in sub. (3) may include in the order requesting that designation an order
25 authorizing the court-appointed special advocate to do any of the following:

1 (a) Inspect any reports and records relating to the child who is the subject of
2 the proceeding, the child's family and any other person residing in the same home
3 as the child that are relevant to the subject matter of the proceeding, including
4 records discoverable under s. 48.293, examination reports under s. 48.295 (2), law
5 enforcement reports and records under ss. 48.396 (1) and 938.396 (1), court records
6 under ss. 48.396 (2) (a) and 938.396 (2) (a), social welfare agency records under ss.
7 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records under s. 48.981
8 (7) (a) 11r. and pupil records under s. 118.125 (2) (L). The order shall also require the
9 custodian of any report or record specified in this paragraph to permit the
10 court-appointed special advocate to inspect the report or record on presentation by
11 the court-appointed special advocate of a copy of the order. A court-appointed
12 special advocate that obtains access to a report or record described in this paragraph
13 shall keep the information contained in the report or record confidential and may
14 disclose that information only to the court. If a court-appointed special advocate
15 discloses any information to the court under this paragraph, the court-appointed
16 special advocate shall also disclose that information to all parties to the proceeding.

17 (b) Observe the child who is the subject of the proceeding and the child's living
18 environment and, if the child is old enough to communicate, interview the child;
19 interview the parent, guardian, legal custodian or other caregiver of the child who
20 is the subject of the proceeding and observe that person's living environment; and
21 interview any other person who might possess any information relating to the child
22 and the child's family that is relevant to the subject of the proceeding. A
23 court-appointed special advocate may observe or interview the child at any location
24 without the permission of the child's parent, guardian, legal custodian or other
25 caregiver if necessary to obtain any information that is relevant to the subject of the

1 proceeding, except that a court-appointed special advocate may enter a child's home
2 only with the permission of the child's parent, guardian, legal custodian or other
3 caregiver or after obtaining a court order permitting the court-appointed special
4 advocate to do so. A court-appointed special advocate who obtains any information
5 under this paragraph shall keep the information confidential and may disclose that
6 information only to the court. If a court-appointed special advocate discloses any
7 information to the court under this paragraph, the court-appointed special advocate
8 shall also disclose that information to all parties to the proceeding.

9 (c) Exercise any other authority that is consistent with the memorandum of
10 understanding entered into under s. 48.07 (5) (a).

11 (5) IMMUNITY FROM LIABILITY. A volunteer court-appointed special advocate
12 designated under sub. (1) or an employe of a court-appointed special advocate
13 program recognized under s. 48.07 (5) is immune from civil liability for any act or
14 omission of the volunteer or employe occurring while acting within the scope of his
15 or her activities and authority as a volunteer court-appointed special advocate or
16 employe of a court-appointed special advocate program.

17 SECTION 7. 48.27 (3) (a) 1. of the statutes is amended to read:

18 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a
19 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
20 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
21 guardian and legal custodian of the child, any foster parent, treatment foster parent
22 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
23 the unborn child's guardian ad litem, if applicable, and any person specified in par.
24 (b) ~~or~~, (d) or (e), if applicable, of all hearings involving the child except hearings on
25 motions for which notice need only be provided to the child and his or her counsel.

1 When parents who are entitled to notice have the same place of residence, notice to
2 one shall constitute notice to the other. The first notice to any interested party, foster
3 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
4 shall be written and may have a copy of the petition attached to it. Thereafter, notice
5 of hearings may be given by telephone at least 72 hours before the time of the
6 hearing. The person giving telephone notice shall place in the case file a signed
7 statement of the time notice was given and the person to whom he or she spoke.

8 **SECTION 8.** 48.27 (3) (e) of the statutes is created to read:

9 **48.27 (3) (e)** If the petition that was filed relates to facts concerning a situation
10 under s. 48.13, the court shall also notify, under s. 48.273, the court-appointed
11 special advocate for the child of all hearings involving the child. The first notice to
12 a court-appointed special advocate shall be written and shall have a copy of the
13 petition attached to it. Thereafter, notice of hearings may be given by telephone at
14 least 72 hours before the time of the hearing. The person giving telephone notice
15 shall place in the case file a signed statement of the time that notice was given and
16 the person to whom he or she spoke.

17 **SECTION 9.** 48.293 (1) of the statutes is amended to read:

18 **48.293 (1)** Copies of all law enforcement officer reports, including ~~but not~~
19 ~~limited to~~ the officer's memorandum and witnesses' statements, shall be made
20 available upon request to counsel or guardian ad litem for any party and to the
21 court-appointed special advocate for the child prior to a plea hearing. The reports
22 shall be available through the representative of the public designated under s. 48.09.
23 The identity of a confidential informant may be withheld pursuant to s. 905.10.

24 **SECTION 10.** 48.293 (2) of the statutes is amended to read:

1 48.293 (2) All records relating to a child, or to an unborn child and the unborn
2 child's expectant mother, which are relevant to the subject matter of a proceeding
3 under this chapter shall be open to inspection by a guardian ad litem or counsel for
4 any party and to inspection by the court-appointed special advocate for the child,
5 upon demand and upon presentation of releases when necessary, at least 48 hours
6 before the proceeding. Persons and unborn children, by their guardians ad litem,
7 entitled to inspect the records may obtain copies of the records with the permission
8 of the custodian of the records or with permission of the court. The court may instruct
9 counsel, a guardian ad litem or a court-appointed special advocate not to disclose
10 specified items in the materials to the child or the parent, or to the expectant mother,
11 if the court reasonably believes that the disclosure would be harmful to the interests
12 of the child or the unborn child.

13 **SECTION 11.** 48.295 (2) of the statutes is amended to read:

14 48.295 (2) The examiner shall file a report of the examination with the court
15 by the date specified in the order. The court shall cause copies to be transmitted to
16 the district attorney or corporation counsel, to counsel or guardian ad litem for the
17 child and, if to the court-appointed special advocate for the child. If applicable, the
18 court shall also cause copies to be transmitted to counsel or guardian ad litem for the
19 unborn child and the unborn child's expectant mother. The report shall describe the
20 nature of the examination and identify the persons interviewed, the particular
21 records reviewed and any tests administered to the child or expectant mother. The
22 report shall also state in reasonable detail the facts and reasoning upon which the
23 examiner's opinions are based.

24 **SECTION 12.** 48.299 (1) (ag) of the statutes is amended to read:

1 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
2 a public hearing is not held, only the parties and their counsel or guardian ad litem,
3 if any the court-appointed special advocate for the child, the child's foster parent,
4 treatment foster parent or other physical custodian described in s. 48.62 (2),
5 witnesses and other persons requested by a party and approved by the court may be
6 present, except that the court may exclude a foster parent, treatment foster parent
7 or other physical custodian described in s. 48.62 (2) from any portion of the hearing
8 if that portion of the hearing deals with sensitive personal information of the child
9 or the child's family or if the court determines that excluding the foster parent,
10 treatment foster parent or other physical custodian would be in the best interests of
11 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds
12 to have a proper interest in the case or in the work of the court, including a member
13 of the bar, may be admitted by the court.

14 **SECTION 13.** 48.32 (1) of the statutes is amended to read:

15 48.32 (1) At any time after the filing of a petition for a proceeding relating to
16 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court
17 commissioner may suspend the proceedings and place the child or expectant mother
18 under supervision in the home or present placement of the child or expectant mother.
19 The court may establish terms and conditions applicable to the child and the child's
20 parent, guardian or legal custodian, to the child expectant mother and her parent,
21 guardian or legal custodian or to the adult expectant mother, including the condition
22 specified in sub. (1b). The order under this section shall be known as a consent decree
23 and must be agreed to by the child if 12 years of age or older, the parent, guardian
24 or legal custodian, and the person filing the petition under s. 48.25; by the child
25 expectant mother, her parent, guardian or legal custodian, the unborn child by the

1 unborn child's guardian ad litem and the person filing the petition under s. 48.25; or
2 by the adult expectant mother, the unborn child by the unborn child's guardian ad
3 litem and the person filing the petition under s. 48.25. The consent decree shall be
4 reduced to writing and given to the parties.

5 **SECTION 14.** 48.32 (1b) of the statutes is created to read:

6 **48.32 (1b)** The judge or juvenile court commissioner may, as a condition under
7 sub. (1), request a court-appointed special advocate program to designate a
8 court-appointed special advocate for the child to perform the activities specified in
9 s. 48.236 (3) that are authorized in the memorandum of understanding under s. 48.07
10 (5) (a). A court-appointed special advocate designated under this subsection shall
11 have the authority specified in s. 48.236 (4) that is authorized in the memorandum
12 of understanding under s. 48.07 (5) (a).

13 **SECTION 15.** 48.32 (2) (c) of the statutes is amended to read:

14 **48.32 (2) (c)** Upon the motion of the court or the application of the child, parent,
15 guardian, legal custodian, expectant mother, unborn child by the unborn child's
16 guardian ad litem, intake worker or any agency supervising the child or expectant
17 mother under the consent decree, the court may, after giving notice to the parties to
18 the consent decree ~~and, their counsel or guardian ad litem~~ and the court-appointed
19 special advocate for the child, if any, extend the decree for up to an additional 6
20 months in the absence of objection to extension by the parties to the initial consent
21 decree. If the child, parent, guardian, legal custodian, expectant mother or unborn
22 child by the unborn child's guardian ad litem objects to the extension, the judge shall
23 schedule a hearing and make a determination on the issue of extension. An
24 extension under this paragraph of a consent decree relating to an unborn child who
25 is alleged to be in need of protection or services may be granted after the child is born.

1 **SECTION 16.** 48.345 (2r) of the statutes is created to read:

2 48.345 (2r) Place the child as provided in sub. (2) or (2m) and, in addition,
3 request a court-appointed special advocate program to designate a court-appointed
4 special advocate for the child to perform the activities specified in s. 48.236 (3) that
5 are authorized in the memorandum of understanding under s. 48.07 (5) (a). A
6 court-appointed special advocate designated under this subsection shall have the
7 authority specified in s. 48.236 (4) that is authorized in the memorandum of
8 understanding under s. 48.07 (5) (a).

9 **SECTION 17.** 48.355 (2) (d) of the statutes is amended to read:

10 48.355 (2) (d) The court shall provide a copy of a dispositional order relating
11 to a child in need of protection or services to the child's parent, guardian or trustee,
12 to the child through the child's counsel or guardian ad litem and to the child's
13 court-appointed special advocate. The court shall provide a copy of a dispositional
14 order relating to an unborn child in need of protection or services to the expectant
15 mother, to the unborn child through the unborn child's guardian ad litem and, if the
16 expectant mother is a child, to her parent, guardian or trustee.

17 **SECTION 18.** 48.355 (2e) (c) of the statutes is amended to read:

18 48.355 (2e) (c) Either the court or the agency that prepared the permanency
19 plan shall furnish a copy of the original plan and each revised plan to the child's
20 parent or guardian, to the child or the child's counsel or guardian ad litem, to the
21 child's court-appointed special advocate and to the person representing the interests
22 of the public.

23 **SECTION 19.** 48.357 (1) of the statutes is amended to read:

24 48.357 (1) The person or agency primarily responsible for implementing the
25 dispositional order, the district attorney or the corporation counsel may request a

1 change in the placement of the child or expectant mother, whether or not the change
2 requested is authorized in the dispositional order and shall cause written notice to
3 be sent to the child, the parent, guardian and legal custodian of the child, any foster
4 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
5 of the child, the child's court-appointed special advocate and, if the child is the
6 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn
7 child's guardian ad litem. If the expectant mother is an adult, written notice shall
8 be sent to the adult expectant mother and the unborn child by the unborn child's
9 guardian ad litem. The notice shall contain the name and address of the new
10 placement, the reasons for the change in placement, a statement describing why the
11 new placement is preferable to the present placement and a statement of how the
12 new placement satisfies objectives of the treatment plan ordered by the court. Any
13 person receiving the notice under this subsection or notice of a specific placement
14 under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain
15 a hearing on the matter by filing an objection with the court within 10 days after
16 receipt of the notice. Placements may not be changed until 10 days after that notice
17 is sent to the court unless the parent, guardian or legal custodian and the child, if
18 12 years of age or over, or the child expectant mother, if 12 years of age or over, her
19 parent, guardian or legal custodian and the unborn child by the unborn child's
20 guardian ad litem, or the adult expectant mother and the unborn child by the unborn
21 child's guardian ad litem, sign written waivers of objection, except that placement
22 changes which were authorized in the dispositional order may be made immediately
23 if notice is given as required in this subsection. In addition, a hearing is not required
24 for placement changes authorized in the dispositional order except when an objection

1 filed by a person who received notice alleges that new information is available which
2 affects the advisability of the court's dispositional order.

3 **SECTION 20.** 48.357 (2m) of the statutes is amended to read:

4 48.357 (2m) The child, the parent, guardian or legal custodian of the child, the
5 expectant mother, the unborn child by the unborn child's guardian ad litem or any
6 person or agency primarily bound by the dispositional order, other than the person
7 or agency responsible for implementing the order, may request a change in
8 placement under this subsection. The request shall contain the name and address
9 of the place of the new placement requested and shall state what new information
10 is available which affects the advisability of the current placement. This request
11 shall be submitted to the court. In addition, the court may propose a change in
12 placement on its own motion. The court shall hold a hearing on the matter prior to
13 ordering any change in placement under this subsection if the request states that
14 new information is available which affects the advisability of the current placement,
15 unless written waivers of objection to the proposed change in placement are signed
16 by all ~~parties~~ persons entitled to receive notice under sub. (1), other than a
17 court-appointed special advocate, and the court approves. If a hearing is scheduled,
18 the court shall notify the child, the parent, guardian and legal custodian of the child,
19 any foster parent, treatment foster parent or other physical custodian described in
20 s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who
21 are bound by the dispositional order and, if the child is the expectant mother of an
22 unborn child under s. 48.133, the unborn child by the unborn child's guardian ad
23 litem, or shall notify the adult expectant mother, the unborn child by the unborn
24 child's guardian ad litem and all parties who are bound by the dispositional order,
25 at least 3 days prior to the hearing. A copy of the request or proposal for the change

1 in placement shall be attached to the notice. If all the parties consent, the court may
2 proceed immediately with the hearing.

3 **SECTION 21.** 48.363 (1) of the statutes is amended to read:

4 48.363 (1) A child, the child's parent, guardian or legal custodian, an expectant
5 mother, an unborn child by the unborn child's guardian ad litem, any person or
6 agency bound by a dispositional order or the district attorney or corporation counsel
7 in the county in which the dispositional order was entered may request a revision in
8 the order that does not involve a change in placement, including a revision with
9 respect to the amount of child support to be paid by a parent, or the court may on its
10 own motion propose such a revision. The request or court proposal shall set forth in
11 detail the nature of the proposed revision and what new information is available that
12 affects the advisability of the court's disposition. The request or court proposal shall
13 be submitted to the court. The court shall hold a hearing on the matter if the request
14 or court proposal indicates that new information is available which affects the
15 advisability of the court's dispositional order and prior to any revision of the
16 dispositional order, unless written waivers of objections to the revision are signed by
17 all parties entitled to receive notice and the court approves. If a hearing is held, the
18 court shall notify the child, the child's parent, guardian and legal custodian, all
19 parties bound by the dispositional order, the child's foster parent, treatment foster
20 parent or other physical custodian described in s. 48.62 (2), the child's
21 court-appointed special advocate, the district attorney or corporation counsel in the
22 county in which the dispositional order was entered, and, if the child is the expectant
23 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
24 guardian ad litem or shall notify the adult expectant mother, the unborn child
25 through the unborn child's guardian ad litem, all parties bound by the dispositional

1 order and the district attorney or corporation counsel in the county in which the
2 dispositional order was entered, at least 3 days prior to the hearing. A copy of the
3 request or proposal shall be attached to the notice. If the proposed revision is for a
4 change in the amount of child support to be paid by a parent, the court shall order
5 the child's parent to provide a statement of income, assets, debts and living expenses
6 to the court and the person or agency primarily responsible for implementing the
7 dispositional order by a date specified by the court. The clerk of court shall provide,
8 without charge, to any parent ordered to provide a statement of income, assets, debts
9 and living expenses a document setting forth the percentage standard established
10 by the department of workforce development under s. 49.22 (9) and the manner of
11 its application established by the department of health and family services under s.
12 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all
13 parties consent, the court may proceed immediately with the hearing. No revision
14 may extend the effective period of the original order.

15 **SECTION 22.** 48.365 (2) of the statutes is amended to read:

16 48.365 (2) No order may be extended without a hearing. The court shall notify
17 the child, the child's parent, guardian and legal custodian, all the parties present at
18 the original hearing, the child's foster parent, treatment foster parent or other
19 physical custodian described in s. 48.62 (2), the child's court-appointed special
20 advocate, the district attorney or corporation counsel in the county in which the
21 dispositional order was entered and, if the child is an expectant mother of an unborn
22 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
23 shall notify the adult expectant mother, the unborn child through the unborn child's
24 guardian ad litem, all the parties present at the original hearing and the district

1 attorney or corporation counsel in the county in which the dispositional order was
2 entered, of the time and place of the hearing.

3 **SECTION 23.** 48.38 (5) (b) of the statutes is amended to read:

4 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
5 child if he or she is 12 years of age or older and the child's foster parent, the child's
6 treatment foster parent or the operator of the facility in which the child is living of
7 the date, time and place of the review, of the issues to be determined as part of the
8 review, of the fact that they may have an opportunity to be heard at the review by
9 submitting written comments not less than 10 working days before the review or by
10 participating at the review. The court or agency shall notify the person representing
11 the interests of the public, the child's counsel ~~and~~, the child's guardian ad litem and
12 the child's court-appointed special advocate of the date of the review, of the issues
13 to be determined as part of the review and of the fact that they may submit written
14 comments not less than 10 working days before the review. The notices under this
15 paragraph shall be provided in writing not less than 30 days before the review and
16 copies of the notices shall be filed in the child's case record.

17 **SECTION 24.** 48.38 (5) (d) of the statutes is amended to read:

18 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
19 permanency plan shall, at least 5 days before a review by a review panel, provide to
20 each person appointed to the review panel, the person representing the interests of
21 the public, the child's counsel ~~and~~, the child's guardian ad litem and the child's
22 court-appointed special advocate a copy of the permanency plan and any written
23 comments submitted under par. (b). Notwithstanding s. 48.78 (2) (a), a person
24 appointed to a review panel, the person representing the interests of the public, the
25 child's counsel ~~and~~, the child's guardian ad litem and the child's court appointed

1 special advocate may have access to any other records concerning the child for the
2 purpose of participating in the review. A person permitted access to a child's records
3 under this paragraph may not disclose any information from the records to any other
4 person.

5 **SECTION 25.** 48.38 (5) (e) of the statutes is amended to read:

6 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
7 the determinations under par. (c) and shall provide a copy to the court that entered
8 the order, the child or the child's counsel or guardian ad litem, the person
9 representing the interests of the public, the child's parent or guardian, the child's
10 court-appointed special advocate and the child's foster parent, the child's treatment
11 foster parent or the operator of the facility where the child is living.

12 **SECTION 26.** 48.981 (2) of the statutes is amended to read:

13 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
14 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
15 mental health professional, social worker, marriage and family therapist,
16 professional counselor, public assistance worker, including a financial and
17 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
18 counselor, mediator under s. 767.11, child care worker in a day care center or child
19 caring institution, day care provider, alcohol or other drug abuse counselor, member
20 of the treatment staff employed by or working under contract with a county
21 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
22 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
23 technician or police or law enforcement officer having reasonable cause to suspect
24 that a child seen in the course of professional duties has been abused or neglected
25 or having reason to believe that a child seen in the course of professional duties has

1 been threatened with abuse or neglect and that abuse or neglect of the child will occur
2 shall, except as provided under sub. (2m), report as provided in sub. (3). A
3 court-appointed special advocate having reasonable cause to suspect that a child
4 seen in the course of the court-appointed special advocate's ~~volunteer~~ activities
5 under s. 48.236 (3) has been abused or neglected or having reason to believe that a
6 child seen in the course of those activities has been threatened with abuse and
7 neglect and that abuse or neglect of the child will occur shall, except as provided in
8 sub. (2m), report as provided in sub. (3). Any other person, including an attorney,
9 having reason to suspect that a child has been abused or neglected or reason to
10 believe that a child has been threatened with abuse or neglect and that abuse or
11 neglect of the child will occur may make such a report. Any person, including an
12 attorney having reason to suspect that an unborn child has been abused or reason
13 to believe that an unborn child is at substantial risk of abuse may report as provided
14 in sub. (3). No person making a report under this subsection may be discharged from
15 employment for so doing.

16 **SECTION 27.** 48.981 (7) (a) 11r. of the statutes is amended to read:

17 48.981 (7) (a) 11r. A volunteer ~~appointed~~ court-appointed special advocate
18 designated under s. 48.236 (1) or person employed by a court-appointed special
19 advocate program recognized by the county board or the county department or, in a
20 county having a population of 500,000 or more, the department or a licensed child
21 welfare agency under contract with the department chief judge of a judicial
22 administrative district under s. 48.07 (5), to the extent necessary for the
23 court-appointed special advocate to perform the advocacy services specified in s.
24 48.236 (3) ~~or 48.236 (3)~~ that the court-appointed special advocate was designated
25 to perform in proceedings related to a petition under s. 48.13 or 48.133 for which the

1 ~~court-appointed special advocate program is recognized by the county board, county~~
2 ~~department or department.~~

3 **SECTION 28.** 118.125 (2) (L) of the statutes is amended to read:

4 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
5 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b),
6 938.396 (1m) (c) or (d) or 938.78 (2) (b) 2. after making a reasonable effort to notify
7 the pupil's parent or legal guardian.

8 (END)

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT (LRBs0270/2),
TO 1999 SENATE BILL 106**

Insert to S 0270/3

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 2, line 16: after "volunteers" insert "and employes of the program".

3 ✓ 2. Page 2, line 18: after "volunteer" insert "or employe of the program".

4 ✓ 3. Page 2, line 20: after "volunteer" insert "or employe of the program".

5 ✓ 4. Page 3, line 24: delete "volunteer selected" and substitute "volunteer or
6 employe of the program selected".

7 ✓ 5. Page 3, line 25: delete "may" and substitute "or employe may".

8 ✓ 6. Page 4, line 6: after "volunteer" insert "and employe of the program selected
9 under par. (b)".

10 ✓ 7. Page 4, line 10: delete "of" and substitute "and employes of the program
11 participating in".

*Insert
14-10*

- 1 ✓ 8. Page 4, line 11: delete "to" and substitute "and employees to".
2 ✓ 9. Page 4, line 12: after "volunteers" insert "and employees".
3 ✓ 10. Page 4, line 14: delete "with" and substitute "or employee of the program
4 4-14 participating in".
5 ✓ 11. Page 5, line 23: after "volunteer" insert "or employee of a court-appointed
6 4-23 special advocate program".
7 ✓ 12. Page 20, line 4: delete "volunteer".

(END)

[illegible]

**SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT (LRBs0270/3),
TO 1999 SENATE BILL 106**

1 At the locations indicated, amend the substitute amendment as follows:

2 ~~1.~~ Page 2, line 16: delete "participating in the program" and substitute "who
3 are authorized to provide court-appointed special advocate services".

4 ~~2.~~ Page 2, line 18: delete "participating".

5 ~~3.~~ Page 2, line 19: delete "in the program" and substitute "who is authorized
6 to provide court-appointed special advocate services".

7 ~~4.~~ Page 2, line 21: delete "participating".

8 ~~5.~~ Page 2, line 22: delete "in the program" and substitute "who is authorized
9 to provide court-appointed special advocate services".

10 ~~6.~~ Page 3, line 4: delete "participate in the program" and substitute "provide
11 court-appointed special advocate services".

7/ Page 3, line 9: delete “participate in the program” and substitute “provide court-appointed special advocate services”.

~~8.~~ Page 3, line 10: delete "participation in the program" and substitute "provision of those services".

9. Page 4, line 14: delete "participating in the program" and substitute "who are authorized to provide court-appointed special advocate services".

(END)

Today - Fri. 2/25

1999 - 2000 LEGISLATURE

LRBs0270/3
GMM:kmg:km

4
RMR

**SENATE SUBSTITUTE AMENDMENT ,
TO 1999 SENATE BILL 106**

Jan. Cost.

1 **AN ACT to amend** 46.481 (4), 48.23 (3m), 48.23 (6), 48.235 (2), 48.27 (3) (a) 1.,
2 48.293 (1), 48.293 (2), 48.295 (2), 48.299 (1) (ag), 48.32 (1), 48.32 (2) (c), 48.355
3 (2) (d), 48.355 (2e) (c), 48.357 (1), 48.357 (2m), 48.363 (1), 48.365 (2), 48.38 (5)
4 (b), 48.38 (5) (d), 48.38 (5) (e), 48.981 (2), 48.981 (7) (a) 11r. and 118.125 (2) (L);
5 and **to create** 48.07 (5), 48.236, 48.27 (3) (e), 48.32 (1b) and 48.345 (2r) of the
6 statutes; **relating to:** court-appointed special advocates for children in need
7 of protection or services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1.** 46.481 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is
9 amended to read:

10 46.481 (4) GRANTS FOR COURT-APPOINTED SPECIAL ADVOCATES. The department
11 shall distribute \$50,000 in each fiscal year as grants to court-appointed special
12 advocate programs that are recognized by a county board, by a county department

who are authorized to provide court-appointed
special advocate services

under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, by the department or a licensed child welfare agency under contract with the department chief judge of a judicial administrative district under s. 48.07 (5) to perform advocacy services in proceedings under s. 48.13.

SECTION 2. 48.07 (5) of the statutes is created to read:

48.07 (5) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM. (a) *Memorandum of understanding.* The court may obtain the services of a court-appointed special advocate program that has been recognized by the chief judge of the judicial administrative district. A chief judge of a judicial administrative district may recognize a court-appointed special advocate program by entering into a memorandum of understanding with the court-appointed special advocate program that specifies the responsibilities of the court-appointed special advocate program and of a court-appointed special advocate designated under s. 48.236 (1). The memorandum of understanding shall specify that the court-appointed special advocate program is responsible for selecting, training, supervising and evaluating the volunteers and employees of the program participating in the program as provided in pars. (b) to (d), that, in addition to any other activities specified in the memorandum of understanding, a volunteer or employee of the program participating in the program may be designated to perform any of the activities specified in s. 48.236 (3) (a) to (c) and that, in addition to any other authority specified in the memorandum of understanding, a volunteer or employee of the program participating in the program may be authorized to exercise any of the authority specified in s. 48.236 (4) (a) and (b), unless the parties to the memorandum of understanding determine that a variance from the requirements of pars. (b) to (d), the activities

who is authorized to provide
court-appointed special
advocate services (use twice)

provide court-appointed special
advocate services

1 specified in s. 48.236 (3) (a) to (c) or the authority specified in s. 48.236 (4) (a) and (b)
2 is necessary for the efficient administration of the program.

3 (b) Selection. 1. A court-appointed special advocate program may select a

4 person to ~~participate in the program~~ if the person is 21 years of age or older,
5 demonstrates an interest in the welfare of children, undergoes a satisfactory
6 background investigation as provided under subd. 2., completes the training
7 required under par. (c) and meets any other qualifications required by the
8 court-appointed special advocate program. A court-appointed special advocate

9 program may refuse to permit to ~~participate in the program~~ any person whose
10 ~~participation in the program~~ might pose a risk, as determined by the
11 court-appointed special advocate program, to the safety of any child.

12 2. On receipt of an application from a prospective court-appointed special
13 advocate, the court-appointed special advocate program, with the assistance of the
14 department of justice, shall conduct a background investigation of the applicant. If
15 the court-appointed special advocate program determines that any information
16 obtained as a result of the background investigation provides a reasonable basis for
17 further investigation, the court-appointed special advocate program may require
18 the applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set
19 of the applicant's fingerprints. The department of justice may provide for the
20 submission of the fingerprint cards to the federal bureau of investigation for the
21 purposes of verifying the identification of the applicant and obtaining the applicant's
22 criminal arrest and conviction record. The court-appointed special advocate
23 program shall keep confidential all information received from the department of
24 justice and the federal bureau of investigation under this subdivision.

provision of those services

who are authorized to provide court-appointed
special advocate services

(c) *Training.* A court-appointed special advocate program shall require a volunteer or employee of the program selected under par. (b) to complete a training program before the volunteer or employee may be designated as a court-appointed special advocate under s. 48.236 (1). The training program shall include instruction on recognizing child abuse and neglect, cultural competency, as defined in s. 48.982 (1) (bm), child development, the procedures of the court, permanency planning, the activities of a court-appointed special advocate under s. 48.236 (3) and information gathering and documentation, and shall include observation of a proceeding under s. 48.13. A court-appointed special advocate program shall also require each volunteer and employee of the program selected under par. (b) to complete continuing training annually.

(d) *Supervision and evaluation.* The supervisory support staff of a court-appointed special advocate program shall be easily accessible to the volunteers and employees of the program ~~participating in the program~~, shall hold regular case conferences with those volunteers and employees to review case progress and shall conduct annual performance evaluations of those volunteers and employees. A court-appointed special advocate program shall provide its staff and volunteers with written guidelines describing the policies, practices and procedures of the program and the responsibilities of a volunteer or employee of the program

~~participating in the program~~ who is authorized to provide court-appointed
special advocate services

SECTION 3. 48.23 (3m) of the statutes is amended to read:

48.23 (3m) GUARDIANS AD LITEM OR COUNSEL FOR ABUSED OR NEGLECTED CHILDREN.

The court shall appoint counsel for any child alleged to be in need of protection or services under s. 48.13 (3), (3m), (10), (10m) and (11), except that if the child is less than 12 years of age the court may appoint a guardian ad litem instead of counsel.

1 The guardian ad litem or counsel for the child ~~shall~~ may not be the same act as
2 counsel for any other party or any governmental or social agency involved in the
3 proceeding and may not act as court-appointed special advocate for the child in the
4 proceeding.

5 SECTION 4. 48.23 (6) of the statutes is amended to read:

6 48.23 (6) DEFINITION. For the purposes of this section, "counsel" means an
7 attorney acting as adversary counsel who shall advance and protect the legal rights
8 of the party represented, and who may not act as guardian ad litem or
9 court-appointed special advocate for any party in the same proceeding.

10 SECTION 5. 48.235 (2) of the statutes is amended to read:

11 48.235 (2) QUALIFICATIONS. The guardian ad litem shall be an attorney
12 admitted to practice in this state. No person who is an interested party in a
13 proceeding, who appears as counsel or court-appointed special advocate in a
14 proceeding on behalf of any party or who is a relative or representative of an
15 interested party in a proceeding may be appointed guardian ad litem in that
16 proceeding.

17 SECTION 6. 48.236 of the statutes is created to read:

18 **48.236 Court-appointed special advocate.** (1) DESIGNATION. In any
19 proceeding under s. 48.13 in which the court finds that providing the services of a
20 court-appointed special advocate would be in the best interests of the child, the court
21 may request a court-appointed special advocate program to designate a person who
22 meets the qualifications specified in sub. (2) as a court-appointed special advocate
23 to undertake the activities specified in sub. (3). A court-appointed special advocate
24 does not become a party to the proceeding and, as a nonparty, may not make motions
25 or call or cross-examine witnesses. A designation under this subsection terminates

1 when the jurisdiction of the court over the child under s. 48.13 terminates, unless the
2 court discharges the court-appointed special advocate sooner.

3 (2) QUALIFICATIONS. A court-appointed special advocate shall be a volunteer
4 or employe of a court-appointed special advocate program who has been selected and
5 trained as provided in the memorandum of understanding entered into under s.
6 48.07 (5) (a). No person who is a party in a proceeding, who appears as counsel or
7 guardian ad litem in a proceeding on behalf of any party or who is a relative or
8 representative of a party in a proceeding may be designated as a court-appointed
9 special advocate in that proceeding.

10 (3) ACTIVITIES. A court-appointed special advocate may be designated under
11 sub. (1) to perform any of the following activities:

12 (a) Gather information and make observations about the child for whom the
13 designation is made, the child's family and any other person residing in the same
14 home as the child and provide that information and those observations to the court
15 in the form of written reports or, if requested by the court, oral testimony.

16 (b) Maintain regular contact with the child for whom the designation is made;
17 monitor the appropriateness and safety of the environment of the child, the extent
18 to which the child and the child's family are complying with any consent decree or
19 dispositional order of the court and with any permanency plan under s. 48.38, and
20 the extent to which any agency that is required to provide services for the child and
21 the child's family under a consent decree, dispositional order or permanency plan is
22 providing those services; and, based on that regular contact and monitoring, provide
23 information to the court in the form of written reports or, if requested by the court,
24 oral testimony.

25 (c) Promote the best interests of the child.

1 (d) Undertake any other activities that are consistent with the memorandum
2 of understanding entered into under s. 48.07 (5) (a).

3 (4) AUTHORITY. A court that requests a court-appointed special advocate
4 program to designate a court-appointed special advocate to undertake the activities
5 specified in sub. (3) may include in the order requesting that designation an order
6 authorizing the court-appointed special advocate to do any of the following:

7 (a) Inspect any reports and records relating to the child who is the subject of
8 the proceeding, the child's family and any other person residing in the same home
9 as the child that are relevant to the subject matter of the proceeding, including
10 records discoverable under s. 48.293, examination reports under s. 48.295 (2), law
11 enforcement reports and records under ss. 48.396 (1) and 938.396 (1), court records
12 under ss. 48.396 (2) (a) and 938.396 (2) (a), social welfare agency records under ss.
13 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records under s. 48.981
14 (7) (a) 11r. and pupil records under s. 118.125 (2) (L). The order shall also require the
15 custodian of any report or record specified in this paragraph to permit the
16 court-appointed special advocate to inspect the report or record on presentation by
17 the court-appointed special advocate of a copy of the order. A court-appointed
18 special advocate that obtains access to a report or record described in this paragraph
19 shall keep the information contained in the report or record confidential and may
20 disclose that information only to the court. If a court-appointed special advocate
21 discloses any information to the court under this paragraph, the court-appointed
22 special advocate shall also disclose that information to all parties to the proceeding.

23 (b) Observe the child who is the subject of the proceeding and the child's living
24 environment and, if the child is old enough to communicate, interview the child;
25 interview the parent, guardian, legal custodian or other caregiver of the child who

1 is the subject of the proceeding and observe that person's living environment; and
2 interview any other person who might possess any information relating to the child
3 and the child's family that is relevant to the subject of the proceeding. A
4 court-appointed special advocate may observe or interview the child at any location
5 without the permission of the child's parent, guardian, legal custodian or other
6 caregiver if necessary to obtain any information that is relevant to the subject of the
7 proceeding, except that a court-appointed special advocate may enter a child's home
8 only with the permission of the child's parent, guardian, legal custodian or other
9 caregiver or after obtaining a court order permitting the court-appointed special
10 advocate to do so. A court-appointed special advocate who obtains any information
11 under this paragraph shall keep the information confidential and may disclose that
12 information only to the court. If a court-appointed special advocate discloses any
13 information to the court under this paragraph, the court-appointed special advocate
14 shall also disclose that information to all parties to the proceeding.

15 (c) Exercise any other authority that is consistent with the memorandum of
16 understanding entered into under s. 48.07 (5) (a).

17 (5) IMMUNITY FROM LIABILITY. A volunteer court-appointed special advocate
18 designated under sub. (1) or an employee of a court-appointed special advocate
19 program recognized under s. 48.07 (5) is immune from civil liability for any act or
20 omission of the volunteer or employee occurring while acting within the scope of his
21 or her activities and authority as a volunteer court-appointed special advocate or
22 employee of a court-appointed special advocate program.

23 **SECTION 7.** 48.27 (3) (a) 1. of the statutes is amended to read:

24 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a
25 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother

1 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
2 guardian and legal custodian of the child, any foster parent, treatment foster parent
3 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
4 the unborn child's guardian ad litem, if applicable, and any person specified in par.
5 (b) ~~or~~, (d) or (e), if applicable, of all hearings involving the child except hearings on
6 motions for which notice need only be provided to the child and his or her counsel.
7 When parents who are entitled to notice have the same place of residence, notice to
8 one shall constitute notice to the other. The first notice to any interested party, foster
9 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
10 shall be written and may have a copy of the petition attached to it. Thereafter, notice
11 of hearings may be given by telephone at least 72 hours before the time of the
12 hearing. The person giving telephone notice shall place in the case file a signed
13 statement of the time notice was given and the person to whom he or she spoke.

14 **SECTION 8.** 48.27 (3) (e) of the statutes is created to read:

15 **48.27 (3) (e)** If the petition that was filed relates to facts concerning a situation
16 under s. 48.13, the court shall also notify, under s. 48.273, the court-appointed
17 special advocate for the child of all hearings involving the child. The first notice to
18 a court-appointed special advocate shall be written and shall have a copy of the
19 petition attached to it. Thereafter, notice of hearings may be given by telephone at
20 least 72 hours before the time of the hearing. The person giving telephone notice
21 shall place in the case file a signed statement of the time that notice was given and
22 the person to whom he or she spoke.

23 **SECTION 9.** 48.293 (1) of the statutes is amended to read:

24 **48.293 (1)** Copies of all law enforcement officer reports, including ~~but not~~
25 ~~limited to~~ the officer's memorandum and witnesses' statements, shall be made

1 available upon request to counsel or guardian ad litem for any party and to the
2 court-appointed special advocate for the child prior to a plea hearing. The reports
3 shall be available through the representative of the public designated under s. 48.09.
4 The identity of a confidential informant may be withheld pursuant to s. 905.10.

5 **SECTION 10.** 48.293 (2) of the statutes is amended to read:

6 48.293 (2) All records relating to a child, or to an unborn child and the unborn
7 child's expectant mother, which are relevant to the subject matter of a proceeding
8 under this chapter shall be open to inspection by a guardian ad litem or counsel for
9 any party and to inspection by the court-appointed special advocate for the child,
10 upon demand and upon presentation of releases when necessary, at least 48 hours
11 before the proceeding. Persons and unborn children, by their guardians ad litem,
12 entitled to inspect the records may obtain copies of the records with the permission
13 of the custodian of the records or with permission of the court. The court may instruct
14 counsel, a guardian ad litem or a court-appointed special advocate not to disclose
15 specified items in the materials to the child or the parent, or to the expectant mother,
16 if the court reasonably believes that the disclosure would be harmful to the interests
17 of the child or the unborn child.

18 **SECTION 11.** 48.295 (2) of the statutes is amended to read:

19 48.295 (2) The examiner shall file a report of the examination with the court
20 by the date specified in the order. The court shall cause copies to be transmitted to
21 the district attorney or corporation counsel, to counsel or guardian ad litem for the
22 child and, if to the court-appointed special advocate for the child. If applicable, the
23 court shall also cause copies to be transmitted to counsel or guardian ad litem for the
24 unborn child and the unborn child's expectant mother. The report shall describe the
25 nature of the examination and identify the persons interviewed, the particular

1 records reviewed and any tests administered to the child or expectant mother. The
2 report shall also state in reasonable detail the facts and reasoning upon which the
3 examiner's opinions are based.

4 **SECTION 12.** 48.299 (1) (ag) of the statutes is amended to read:

5 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
6 a public hearing is not held, only the parties and their counsel or guardian ad litem,
7 ~~if any~~ the court-appointed special advocate for the child, the child's foster parent,
8 treatment foster parent or other physical custodian described in s. 48.62 (2),
9 witnesses and other persons requested by a party and approved by the court may be
10 present, except that the court may exclude a foster parent, treatment foster parent
11 or other physical custodian described in s. 48.62 (2) from any portion of the hearing
12 if that portion of the hearing deals with sensitive personal information of the child
13 or the child's family or if the court determines that excluding the foster parent,
14 treatment foster parent or other physical custodian would be in the best interests of
15 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds
16 to have a proper interest in the case or in the work of the court, including a member
17 of the bar, may be admitted by the court.

18 **SECTION 13.** 48.32 (1) of the statutes is amended to read:

19 48.32 (1) At any time after the filing of a petition for a proceeding relating to
20 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court
21 commissioner may suspend the proceedings and place the child or expectant mother
22 under supervision in the home or present placement of the child or expectant mother.
23 The court may establish terms and conditions applicable to the child and the child's
24 parent, guardian or legal custodian, to the child expectant mother and her parent,
25 guardian or legal custodian or to the adult expectant mother, including the condition

1 specified in sub. (1b). The order under this section shall be known as a consent decree
2 and must be agreed to by the child if 12 years of age or older, the parent, guardian
3 or legal custodian, and the person filing the petition under s. 48.25; by the child
4 expectant mother, her parent, guardian or legal custodian, the unborn child by the
5 unborn child's guardian ad litem and the person filing the petition under s. 48.25; or
6 by the adult expectant mother, the unborn child by the unborn child's guardian ad
7 litem and the person filing the petition under s. 48.25. The consent decree shall be
8 reduced to writing and given to the parties.

9 **SECTION 14.** 48.32 (1b) of the statutes is created to read:

10 48.32 (1b) The judge or juvenile court commissioner may, as a condition under
11 sub. (1), request a court-appointed special advocate program to designate a
12 court-appointed special advocate for the child to perform the activities specified in
13 s. 48.236 (3) that are authorized in the memorandum of understanding under s. 48.07
14 (5) (a). A court-appointed special advocate designated under this subsection shall
15 have the authority specified in s. 48.236 (4) that is authorized in the memorandum
16 of understanding under s. 48.07 (5) (a).

17 **SECTION 15.** 48.32 (2) (c) of the statutes is amended to read:

18 48.32 (2) (c) Upon the motion of the court or the application of the child, parent,
19 guardian, legal custodian, expectant mother, unborn child by the unborn child's
20 guardian ad litem, intake worker or any agency supervising the child or expectant
21 mother under the consent decree, the court may, after giving notice to the parties to
22 the consent decree and, their counsel or guardian ad litem and the court-appointed
23 special advocate for the child, if any, extend the decree for up to an additional 6
24 months in the absence of objection to extension by the parties to the initial consent
25 decree. If the child, parent, guardian, legal custodian, expectant mother or unborn

1 child by the unborn child's guardian ad litem objects to the extension, the judge shall
2 schedule a hearing and make a determination on the issue of extension. An
3 extension under this paragraph of a consent decree relating to an unborn child who
4 is alleged to be in need of protection or services may be granted after the child is born.

5 **SECTION 16.** 48.345 (2r) of the statutes is created to read:

6 48.345 (2r) Place the child as provided in sub. (2) or (2m) and, in addition,
7 request a court-appointed special advocate program to designate a court-appointed
8 special advocate for the child to perform the activities specified in s. 48.236 (3) that
9 are authorized in the memorandum of understanding under s. 48.07 (5) (a). A
10 court-appointed special advocate designated under this subsection shall have the
11 authority specified in s. 48.236 (4) that is authorized in the memorandum of
12 understanding under s. 48.07 (5) (a).

13 **SECTION 17.** 48.355 (2) (d) of the statutes is amended to read:

14 48.355 (2) (d) The court shall provide a copy of a dispositional order relating
15 to a child in need of protection or services to the child's parent, guardian or trustee,
16 to the child through the child's counsel or guardian ad litem and to the child's
17 court-appointed special advocate. The court shall provide a copy of a dispositional
18 order relating to an unborn child in need of protection or services to the expectant
19 mother, to the unborn child through the unborn child's guardian ad litem and, if the
20 expectant mother is a child, to her parent, guardian or trustee.

21 **SECTION 18.** 48.355 (2e) (c) of the statutes is amended to read:

22 48.355 (2e) (c) Either the court or the agency that prepared the permanency
23 plan shall furnish a copy of the original plan and each revised plan to the child's
24 parent or guardian, to the child or the child's counsel or guardian ad litem, to the

1 child's court-appointed special advocate and to the person representing the interests
2 of the public.

3 **SECTION 19.** 48.357 (1) of the statutes is amended to read:

4 48.357 (1) The person or agency primarily responsible for implementing the
5 dispositional order, the district attorney or the corporation counsel may request a
6 change in the placement of the child or expectant mother, whether or not the change
7 requested is authorized in the dispositional order and shall cause written notice to
8 be sent to the child, the parent, guardian and legal custodian of the child, any foster
9 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
10 of the child, the child's court-appointed special advocate and, if the child is the
11 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn
12 child's guardian ad litem. If the expectant mother is an adult, written notice shall
13 be sent to the adult expectant mother and the unborn child by the unborn child's
14 guardian ad litem. The notice shall contain the name and address of the new
15 placement, the reasons for the change in placement, a statement describing why the
16 new placement is preferable to the present placement and a statement of how the
17 new placement satisfies objectives of the treatment plan ordered by the court. Any
18 person receiving the notice under this subsection or notice of a specific placement
19 under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain
20 a hearing on the matter by filing an objection with the court within 10 days after
21 receipt of the notice. Placements may not be changed until 10 days after that notice
22 is sent to the court unless the parent, guardian or legal custodian and the child, if
23 12 years of age or over, or the child expectant mother, if 12 years of age or over, her
24 parent, guardian or legal custodian and the unborn child by the unborn child's
25 guardian ad litem, or the adult expectant mother and the unborn child by the unborn

1 child's guardian ad litem, sign written waivers of objection, except that placement
2 changes which were authorized in the dispositional order may be made immediately
3 if notice is given as required in this subsection. In addition, a hearing is not required
4 for placement changes authorized in the dispositional order except when an objection
5 filed by a person who received notice alleges that new information is available which
6 affects the advisability of the court's dispositional order.

7 **SECTION 20.** 48.357 (2m) of the statutes is amended to read:

8 48.357 (2m) The child, the parent, guardian or legal custodian of the child, the
9 expectant mother, the unborn child by the unborn child's guardian ad litem or any
10 person or agency primarily bound by the dispositional order, other than the person
11 or agency responsible for implementing the order, may request a change in
12 placement under this subsection. The request shall contain the name and address
13 of the place of the new placement requested and shall state what new information
14 is available which affects the advisability of the current placement. This request
15 shall be submitted to the court. In addition, the court may propose a change in
16 placement on its own motion. The court shall hold a hearing on the matter prior to
17 ordering any change in placement under this subsection if the request states that
18 new information is available which affects the advisability of the current placement,
19 unless written waivers of objection to the proposed change in placement are signed
20 by all ~~parties~~ persons entitled to receive notice under sub. (1), other than a
21 court-appointed special advocate, and the court approves. If a hearing is scheduled,
22 the court shall notify the child, the parent, guardian and legal custodian of the child,
23 any foster parent, treatment foster parent or other physical custodian described in
24 s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who
25 are bound by the dispositional order and, if the child is the expectant mother of an

1 unborn child under s. 48.133, the unborn child by the unborn child's guardian ad
2 litem, or shall notify the adult expectant mother, the unborn child by the unborn
3 child's guardian ad litem and all parties who are bound by the dispositional order,
4 at least 3 days prior to the hearing. A copy of the request or proposal for the change
5 in placement shall be attached to the notice. If all the parties consent, the court may
6 proceed immediately with the hearing.

7 **SECTION 21.** 48.363 (1) of the statutes is amended to read:

8 48.363 (1) A child, the child's parent, guardian or legal custodian, an expectant
9 mother, an unborn child by the unborn child's guardian ad litem, any person or
10 agency bound by a dispositional order or the district attorney or corporation counsel
11 in the county in which the dispositional order was entered may request a revision in
12 the order that does not involve a change in placement, including a revision with
13 respect to the amount of child support to be paid by a parent, or the court may on its
14 own motion propose such a revision. The request or court proposal shall set forth in
15 detail the nature of the proposed revision and what new information is available that
16 affects the advisability of the court's disposition. The request or court proposal shall
17 be submitted to the court. The court shall hold a hearing on the matter if the request
18 or court proposal indicates that new information is available which affects the
19 advisability of the court's dispositional order and prior to any revision of the
20 dispositional order, unless written waivers of objections to the revision are signed by
21 all parties entitled to receive notice and the court approves. If a hearing is held, the
22 court shall notify the child, the child's parent, guardian and legal custodian, all
23 parties bound by the dispositional order, the child's foster parent, treatment foster
24 parent or other physical custodian described in s. 48.62 (2), the child's
25 court-appointed special advocate, the district attorney or corporation counsel in the

1 county in which the dispositional order was entered, and, if the child is the expectant
2 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
3 guardian ad litem or shall notify the adult expectant mother, the unborn child
4 through the unborn child's guardian ad litem, all parties bound by the dispositional
5 order and the district attorney or corporation counsel in the county in which the
6 dispositional order was entered, at least 3 days prior to the hearing. A copy of the
7 request or proposal shall be attached to the notice. If the proposed revision is for a
8 change in the amount of child support to be paid by a parent, the court shall order
9 the child's parent to provide a statement of income, assets, debts and living expenses
10 to the court and the person or agency primarily responsible for implementing the
11 dispositional order by a date specified by the court. The clerk of court shall provide,
12 without charge, to any parent ordered to provide a statement of income, assets, debts
13 and living expenses a document setting forth the percentage standard established
14 by the department of workforce development under s. 49.22 (9) and the manner of
15 its application established by the department of health and family services under s.
16 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all
17 parties consent, the court may proceed immediately with the hearing. No revision
18 may extend the effective period of the original order.

19 **SECTION 22.** 48.365 (2) of the statutes is amended to read:

20 48.365 (2) No order may be extended without a hearing. The court shall notify
21 the child, the child's parent, guardian and legal custodian, all the parties present at
22 the original hearing, the child's foster parent, treatment foster parent or other
23 physical custodian described in s. 48.62 (2), the child's court-appointed special
24 advocate, the district attorney or corporation counsel in the county in which the
25 dispositional order was entered and, if the child is an expectant mother of an unborn

1 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
2 shall notify the adult expectant mother, the unborn child through the unborn child's
3 guardian ad litem, all the parties present at the original hearing and the district
4 attorney or corporation counsel in the county in which the dispositional order was
5 entered, of the time and place of the hearing.

6 **SECTION 23.** 48.38 (5) (b) of the statutes is amended to read:

7 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
8 child if he or she is 12 years of age or older and the child's foster parent, the child's
9 treatment foster parent or the operator of the facility in which the child is living of
10 the date, time and place of the review, of the issues to be determined as part of the
11 review, of the fact that they may have an opportunity to be heard at the review by
12 submitting written comments not less than 10 working days before the review or by
13 participating at the review. The court or agency shall notify the person representing
14 the interests of the public, the child's counsel ~~and~~, the child's guardian ad litem and
15 the child's court-appointed special advocate of the date of the review, of the issues
16 to be determined as part of the review and of the fact that they may submit written
17 comments not less than 10 working days before the review. The notices under this
18 paragraph shall be provided in writing not less than 30 days before the review and
19 copies of the notices shall be filed in the child's case record.

20 **SECTION 24.** 48.38 (5) (d) of the statutes is amended to read:

21 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
22 permanency plan shall, at least 5 days before a review by a review panel, provide to
23 each person appointed to the review panel, the person representing the interests of
24 the public, the child's counsel ~~and~~, the child's guardian ad litem and the child's
25 court-appointed special advocate a copy of the permanency plan and any written

as affected by 1999 Wisconsin Act 111
(Assembly Bill 521),

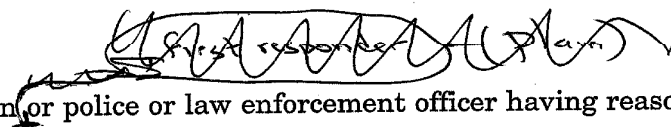
1 comments submitted under par. (b). Notwithstanding s. 48.78 (2) (a), a person
2 appointed to a review panel, the person representing the interests of the public, the
3 child's counsel ~~and~~, the child's guardian ad litem and the child's court-appointed
4 special advocate may have access to any other records concerning the child for the
5 purpose of participating in the review. A person permitted access to a child's records
6 under this paragraph may not disclose any information from the records to any other
7 person.

8 **SECTION 25.** 48.38 (5) (e) of the statutes is amended to read:

9 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
10 the determinations under par. (c) and shall provide a copy to the court that entered
11 the order, the child or the child's counsel or guardian ad litem, the person
12 representing the interests of the public, the child's parent or guardian, the child's
13 court-appointed special advocate and the child's foster parent, the child's treatment
14 foster parent or the operator of the facility where the child is living.

15 **SECTION 26.** 48.981 (2) of the statutes is amended to read:

16 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
17 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
18 mental health professional, social worker, marriage and family therapist,
19 professional counselor, public assistance worker, including a financial and
20 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
21 counselor, mediator under s. 767.11, child care worker in a day care center or child
22 caring institution, day care provider, alcohol or other drug abuse counselor, member
23 of the treatment staff employed by or working under contract with a county
24 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
25 therapist, dietitian, speech-language pathologist, audiologist, emergency medical


1 technician or police or law enforcement officer having reasonable cause to suspect
2 that a child seen in the course of professional duties has been abused or neglected
3 or having reason to believe that a child seen in the course of professional duties has
4 been threatened with abuse or neglect and that abuse or neglect of the child will occur
5 shall, except as provided under sub. (2m), report as provided in sub. (3). A
6 court-appointed special advocate having reasonable cause to suspect that a child
7 seen in the course of the court-appointed special advocate's activities under s. 48.236
8 (3) has been abused or neglected or having reason to believe that a child seen in the
9 course of those activities has been threatened with abuse and neglect and that abuse
10 or neglect of the child will occur shall, except as provided in sub. (2m), report as
11 provided in sub. (3). Any other person, including an attorney, having reason to
12 suspect that a child has been abused or neglected or reason to believe that a child has
13 been threatened with abuse or neglect and that abuse or neglect of the child will occur
14 may make such a report. Any person, including an attorney having reason to suspect
15 that an unborn child has been abused or reason to believe that an unborn child is at
16 substantial risk of abuse may report as provided in sub. (3). No person making a
17 report under this subsection may be discharged from employment for so doing.

18 **SECTION 27.** 48.981 (7) (a) 11r. of the statutes is amended to read:

19 48.981 (7) (a) 11r. A volunteer appointed court-appointed special advocate
20 designated under s. 48.236 (1) or person employed by a court-appointed special
21 advocate program recognized by the ~~county board or the county department or, in a~~
22 ~~county having a population of 500,000 or more, the department or a licensed child~~
23 ~~welfare agency under contract with the department~~ chief judge of a judicial
24 administrative district under s. 48.07 (5), to the extent necessary for the
25 court-appointed special advocate to perform the advocacy services specified in s.

1 ~~48.236 (3) that the court-appointed special advocate was designated to perform in~~
2 ~~proceedings related to a petition under s. 48.13 or 48.133 for which the~~
3 ~~court-appointed special advocate program is recognized by the county board, county~~
4 ~~department or department.~~

5 SECTION 28. 118.125 (2) (L) of the statutes is amended to read:

6 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
7 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b),
8 938.396 (1m) (c) or (d) or 938.78 (2) (b) 2. after making a reasonable effort to notify
9 the pupil's parent or legal guardian.

10 (END)